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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,676	12/22/2000	Marco Di Benedetto	112025-0447	4639

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CESARI AND MCKENNA, LLP
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EXAMINER

PHAN, RAYMOND NGAN

ART UNIT	PAPER NUMBER
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2181

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,676

Applicant(s)

BENEDETTO ET AL.

Examiner

Raymond Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____. |

Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: amendment filed on September 30, 2003.
2. This application has been examined. Claims 1-11 are pending.
3. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2111.

Specification

4. The title of the invention is acceptable.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Regan et al. (US No. 6,578,086) in view of Ding et al. (US No. 5,519,231).

In regard to claims 1, 2, 5, Regan et al. disclose a layer 2 switch comprising a plurality of ports, at least one port of the plurality of ports capable of being set to a status of uplink enabled (see col. 5, lines 21-48); first circuit for running a spanning tree protocol (STP) in the layer 2 switch, the STP capable of selecting the

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at least one port as either a designated port or as a root port (see col. 2, lines 4-25); a second circuit for running uplink enable process, the uplink enable process determining whether or not a port set to uplink status has been selected by STP as a designated port (see col. 6, lines 12-59). But Reagan et al. do not specifically disclose the blocking circuits to set at least one port into block state, in response to at least one port being both in uplink state and selected by the STP as a designated port. However Ding et al. disclose the blocking circuits to set at least one port into block state, in response to at least one port being both in uplink state and selected by the STP as a designated port (see col. 10, line 5 through col. 11, line 46). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Ding et al. into the teachings of Reagan et al. because it would provide the ability to handle misconfigured multi-link trunks by detecting as well as blocking improperly connected links within a multi-link trunk.

In regard to claims 2, 4, Reagan et al. disclose a layer 2 switch comprising a plurality of ports, at least one port of the plurality of ports capable of being set to a status of uplink enabled (see col. 5, lines 21-48); first circuit for maintaining the at least one port blocked status and for transitioning the port into forwarding status (see col. 5, line 58 through col. 6, lines 34); a second circuit for running uplink enable process, the uplink enable process determining whether or not a port set to uplink status has been transitioned to forwarding status (see col. 5, line 58 through col. 6, line 45). But Reagan et al. do not specifically disclose the blocking circuits to set at least one port into block state, in response to at least one port being both in uplink state and selected by the STP as a designated port. However Ding et al. disclose the blocking circuits to set at least one port into block state, in response to

at least one port being both in uplink state and selected by the STP as a designated port (see col. 10, line 5 through col. 11, line 46). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Ding et al. into the teachings of Reagan et al. because it would provide the ability to handle misconfigured multi-link trunks by detecting as well as blocking improperly connected links within a multi-link trunk.

In regard to claims 6, 7, Reagan et al. disclose the programmable logic devices to implement the method (see col. 10, line 62 through col. 11, line 4).

In regard to claims 8, 10, Reagan et al. disclose the claimed subject matter as discussed above rejection except the teaching of the blocking circuit not setting the at least one port into a blocked status if the at least one port is not be selected by STP as a root port. However Ding et al. disclose the blocking circuit not setting the at least one port into a blocked status if the at least one port is not be selected by STP as a root port (see col. 9, line 9 through col. 10, line 32). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Ding et al. into the teachings of Reagan et al. because it would provide the ability to handle misconfigured multi-link trunks by detecting as well as blocking improperly connected links within a multi-link trunk.

In regard to claims 9, 11, Reagan et al. disclose the claimed subject matter as discussed above rejection except the teaching of the first circuit removing the at least one port from the list of ports examined by STP if the port is in the blocked state and then rerunning STP. However Ding et al. disclose the circuit removing the at least one port from the list of ports examined by STP if the port is in the

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blocked state and then rerunning STP (see col. 9, line 9 through col. 10, line 32).

Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Ding et al. into the teachings of Reagan et al. because it would provide the ability to handle misconfigured multi-link trunks by detecting as well as blocking improperly connected links within a multi-link trunk.

Response to Amendment

7. Applicant's arguments with respect to claims 1-7 have been considered but claims 1-7 are deemed to be moot in view of the new grounds of rejection.

8. Applicant's arguments, see pages 7-9, filed September 30, 2003, with respect to the rejection(s) of claim(s) 1-7 under 35 USC § 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ding et al.

Conclusion

9. All claims are rejected.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Phan, whose telephone number is (703) 306-2756. The examiner can normally be reached on Monday-Friday from 6:30AM- 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Primary, Paul Myers can be reached on (703) 305-9656 or via e-mail addressed to paul.myers@uspto.gov. The fax phone number for this Group is (703) 746-7239.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [raymond.phan@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet

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Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

RR

Raymond Phan

12/11/03